

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
LUIS IVAN PENA MEDINA  
ROSA LYDIA ROSARIO VEGA  
  
DEBTOR (S)

CASE NO. 10-06404-ESL  
  
CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **TBD**

**R2016 STM. \$3,000.00**

**TOTAL ATTORNEYS FEES THRU PLAN: \$2,500.00 Fees paid: \$0.00 Fees Outstanding: \$2,500.00**

With respect to the proposed (amended) Plan dated: **July 16, 2010** (Dkt 2). Plan Base: **24,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]

The case's liquidation value, and the sufficiency of the plan cannot be adequately determined due to the fact that Schedule B needs to be amended to include a vehicle.

- Fails Disposable Income Test : Debtor(s) fails to commit all future earnings / projected disposable income to fund the plan. [§1322(a)(1) & §1325(b)(1)(B)]

Debtors must amend the plan in order to include a step up payment after the vehicle maturity date.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 &§1302(b)]

Debtors have failed to amend schedule B as was requested by the Trustee at the 341 Meeting of Creditors. Debtors must list in Schedule B the Mirage 1997. Debtors must amend SOFA to include the vehicle already listed in Schedule B.

- Other/Comments

NONE.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this September 17, 2010.

/s/ Jose R. Carrion

/s/ Nannette Godreau -Staff Attorney

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JOSE R. CARRION  
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